

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

IN RE BRADY MARTZ DATA SECURITY
LITIGATION

Case No. 3:23-cv-176

**DECLARATION OF NATHAN D. PROSSER IN SUPPORT OF PLAINTIFFS'
JOINT MOTION TO APPOINT INTERIM LEAD COUNSEL**

I, Nathan D. Prosser, hereby declare as follows:

1. I submit this declaration in support of Plaintiffs' Joint Motion to Appoint Interim Lead Counsel pursuant to Federal Rule of Civil Procedure 23(g).
2. I am counsel of record for Plaintiff Jason Quaife in the above-captioned case, along with co-counsel Scott Haider at the Schneider Law Firm, and David A. Goodwin at the law firm of Gustafson Gluek PLLC. I am a partner at the law firm of Hellmuth & Johnson PLLC and a member in good standing of the Minnesota bar and admitted to the United States District Court for the District of Minnesota and the United States District Court for the District of North Dakota.
3. The facts set forth in the declaration are based in part upon my personal knowledge and, in part, upon the representations of co-counsel at Wolf Haldenstein Adler Freeman & Herz LLC, Robins Kaplan LLP, Cafferty Clobes Meriwether & Sprengel, LLP and Chestnut Cambron PA.
4. I conferred with Defense counsel of record on October 20, 2023, who indicated that Defendant does not intend to take a position on Plaintiffs' Joint Motion for Appointment of Interim Lead Counsel.

5. The Proposed Interim Co-Leadership is comprised of myself (Hellmuth & Johnson PLLC) and David A. Goodwin (Gustafson Gluek PLLC), along with Proposed Interim Liaison Counsel Scott Haider (Schneider Law Firm).

6. Counsel for all Plaintiffs listed above have conferred and reached an agreement to work cooperatively and support the interim co-leadership proposal in the consolidated matters to best represent the interests of the putative class members, avoid duplicative work, and promote efficiency in these matters. Indeed, Proposed Interim Co-Lead Counsel has already moved quickly to coordinate the proposed leadership structure due to the alleged egregious nature of Defendant's alleged unlawful conduct and likelihood of imminent further harm to Plaintiffs and the class members.

7. Proposed Interim Co-Lead Counsel have already committed significant time and resources litigating the instant actions. In addition to investigating the claims of each named plaintiff and putative class members, counsel have also investigated the facts surrounding the data breach, interviewed putative class members injured by the data breach, research and analyzed legal claims available to the putative class, drafted initial pleadings, research potential data security and damage experts, and organized plaintiffs and counsel to consolidate the relevant actions for unified proceedings.

8. Counsel have the resources to continue to vigorously prosecute this action on behalf of the proposed class. Counsel are expected and willing to pay assessments when necessary to ensure that adequate funds are available to prosecute this litigation.

9. Counsel do not have any conflicts of interest with the proposed class in the consolidated instant actions. Proposed Interim Co-Lead Counsel have not made any agreements with each other with respect to funding, cost-sharing, pooling clients, fees, or any other such

matters. Proposed Interim Co-Lead Counsel understands that they may be required to make contributions to fund the litigation, and they will not accept any third-party funding to do so, other than reliance on their own firm's financial resources.

10. Counsel have discussed how best to organize to effectively use members' diverse skills and unique experience for the efficient prosecution and management of this litigation, while avoiding unnecessary and duplicative billing. If appointed, Proposed Interim Co-Lead Counsel intend to establish a protocol for regular time and expense reporting to monitor and manage the efficient prosecution of this action.

11. As detailed in the firm biographies attached to this Declaration as Exhibits A-B, each law firm is well-established, successful, and has the resources necessary to pursue a data breach case of this magnitude.

12. On behalf of Mr. Prosser, attached hereto to this Declaration as **Exhibit A** is a true and correct copy of the firm biography of Hellmuth & Johnson PLLC.

13. On behalf of Mr. Goodwin, attached hereto to this Declaration as **Exhibit B** is a true and correct copy of the firm biography of Gustafson Gluek PLLC.

I swear under penalty of perjury under the Laws of the United States that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted,

Executed this 20th day of October, 2023.

/s/ Nathan D. Prosser
Nathan D. Prosser